

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s) USCA Case Number 23-16091

Case Name National Association for Gun Rights, Inc. et al v. City Of San Jose et

Michael A. Columbo

Counsel submitting this form

National Association for Gun Rights, Inc; Mark

Represented party/parties

Sikes

Briefly describe the dispute that gave rise to this lawsuit.

Defendants enacted an ordinance that is unconstitutional and unlawful. That ordinance is Part 6 of Chapter 10.32 of Title 10 of the San Jose Municipal Code (the "Ordinance").

The Ordinance requires any San Jose resident who owns a firearm to obtain and continuously maintain in full force and effect a homeowner's, renter's or gun liability insurance policy specifically covering losses or damages resulting from any accidental use of the Firearm. (San Jose Muni. Code § 10.32.210(A).).

The Ordinance also requires San Jose gun owners to pay an " Annual Gun Harm Reduction Fee to a Designated Nonprofit Organization that the City Manager will designate from time to time. The amount of the annual fee will be set forth in the schedule of fees and charges established by resolution of the City Council. (Muni. Code § 10.32.215.) In the 2022/2023 schedule of fees, the Gun Harm Reduction Fee is set at \$25 per year.

Plaintiffs contend this ordinance violates the Fourteenth, First and Second Amendments of the United States Constitution and that they are entitled to Declaratory Relief.

Briefly describe the result below and the main issues on appeal.

On July 13, 2023, Plaintiffs' Second Amended Complaint was dismissed. Plaintiffs' Second Amendment claims were dismissed without leave to amend. Plaintiffs' First Amendment claims were dismissed with leave to amend, but Plaintiff opted to stand on its complaint because it believes that dismissal was in error.

Describe any proceedings remaining below or any related proceedings in other tribunals.

N/A

Signature
(use "s/[typed name]" to sign electronically-filed documents)

Date